

John Eddie Williams, Jr. (*pro hac vice*)
John Boundas (*pro hac vice*)
Brian Abramson (*pro hac vice*)
Margret Lecocke (*pro hac vice*)
Walt Cubberly (SBN 325163)
WILLIAMS HART & BOUNDAS, LLP
8441 Gulf Freeway, Suite 600
Houston, TX 77017
Tel: (713) 230-2200
Fax: (713) 643-6226
wcubberly@whlaw.com
mlecocke@whlaw.com

Co-LEAD AND LIAISON COUNSEL FOR PLAINTIFFS

[ADDITIONAL COUNSEL LISTED ON FOLLOWING PAGE]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION**

No. 3:23-md-03084-CRB

**CALIFORNIA JCCP PLAINTIFFS’
MOTION TO EXTEND THE COURT’S
ORDER SETTING FILING CUTOFF
DATE**

This Document Relates to:

All Cases

Judge: Honorable Charles R. Breyer

William A. Levin (SBN 98592)
David M. Grimes (SBN 324292)
Samira J. Bokaie (SBN 332782)
LEVIN SIMES LLP
1700 Montgomery Street, Suite 250
San Francisco, CA 94111
Tel: (415) 426-3000
Fax: (415) 426-3001
wlevin@levinsimes.com

Stephen J. Estey (SBN 163093)
R. Michael Bomberger (SBN 169866)
Angela J. Nehmens (SBN 309433)
ESTEY & BOMBERGER, LLP
2869 India Street
San Diego, CA 92103
Tel: (619) 295-0035
Fax: (619) 295-0172
steve@estey-bomberger.com
mike@estey-bomberger.com
angela@estey-bomberger.com

C. Brooks Cutter (SBN 121407)
Celine Cutter (SBN 312622)
CUTTER LAW, P.C.
401 Watt Avenue
Sacramento, CA 95864
Tel: (916) 290-9400
Fax: (916) 588-9330
bcutter@cutterlaw.com
ccutter@cutterlaw.com

Co-Lead and Liaison Counsel for JCCP Plaintiffs

The California JCCP Plaintiffs respectfully request that the Court extend the filing cutoff date from August 26, 2024, to 60 days after the California Supreme Court grants or denies the California JCCP Plaintiffs' petition to review the California Court of Appeal's opinion upholding Judge Schulman's *forum non conveniens* order.

INTRODUCTION AND BACKGROUND

On June 24, 2024, the California Court of Appeal issued its decision upholding Judge Schulman's rulings on Uber's FNC motion. That decision becomes final on July 24, 2024, *see* Cal. R. Ct. 8.264, at which point the JCCP Plaintiffs will have until August 5, 2024, to petition the California Supreme for review of the Court of Appeal's decision. *See* Cal. R. Ct. 8.500(e)(1). Co-Lead Counsel for the JCCP Plaintiffs have engaged appellate counsel and will file a petition for review with the California Supreme Court.

Once the JCCP Plaintiffs file their petition for review, the California Supreme Court will have 60 days to take up the petition. *See* Cal. R. Ct. 8.512(b)(1). The California Supreme Court may order an extension of the time to consider the petition, but only up to 30 more days. *See id.* Accordingly, at the very latest, if the JCCP Plaintiffs file their petition to review on August 5, 2024, and the California Supreme Court extends the time to consider the petition for 30 days (90 days total), the California Supreme Court will either grant or deny the JCCP Plaintiffs' petition for review by November 4, 2024. Thus, the latest date the filing cutoff date would be set is January 3, 2025.

JCCP Plaintiffs conferred with MDL Plaintiffs leadership and Uber regarding this Motion. MDL Plaintiffs are agreeable to an extension of 30–45 days but are opposed to an extension beyond that timeframe. Uber is opposed to the JCCP Plaintiffs' requested extension.

ARGUMENT

The Court has great discretion to manage its docket to achieve just resolution of its cases, and the Ninth Circuit regularly defers to the trial court's setting of deadlines to manage its docket. *See In re Phenylpropanolamine (PPA) Prod. Liab. Litig.*, 460 F.3d 1217, 1227 (9th Cir. 2006).

1 First, there will not be considerable delay in setting the filing cutoff date at 60 days after
2 the California Supreme Court grants or denies the JCCP Plaintiffs' petition. The farthest out the
3 cutoff date could be is January 3, 2025 — 60 days after the November 4 deadline if the
4 California Supreme Court were to order the largest extension of time it can order.

5 Second, there will be no prejudice to Uber should the Court grant Plaintiffs' motion.
6 These cases are already filed in the JCCP proceeding, and they are stayed pending the outcome
7 of the appeals process. Uber is aware of the universe of cases affected by the Court's June 26,
8 2024 Order that currently sets August 26, 2024, as the cutoff to file JCCP cases in the MDL. And
9 the extension proposed by the JCCP Plaintiffs comes well before any trials will have begun in
10 either the MDL or the JCCP, which does not have trial settings until Summer 2025. Accordingly,
11 there will be no prejudice to Uber to set the filing cutoff date after the California Supreme Court
12 rules on the JCCP Plaintiffs' petition for review.

13 If there is any prejudice to any party should the Court grant the JCCP Plaintiffs' motion,
14 it would be to the JCCP Plaintiffs. By seeking further review of Judge Schulman's grant of
15 Uber's FNC motion, the JCCP Plaintiffs will delay the resolution of their claims. But the JCCP
16 Plaintiffs believe that such delay is worthy in their pursuit to litigate their claims in their chosen
17 forum.

18 Finally, denying this motion would prejudice the JCCP Plaintiffs by forcing them to
19 choose between, on one hand, their right to exercise all appellate review of Judge Schulman's
20 FNC order and, on the other, their ability to join a coordinated action. It would not serve the ends
21 of justice to force the JCCP Plaintiffs to abandon their appellate efforts in the California State
22 Courts before they know whether the California Supreme Court is willing to entertain their
23 petition for review. The JCCP Plaintiffs should not be denied those benefits of coordination
24 merely because they are exercising their rights to petition to the California Supreme Court to
25 review the Appellate Court's opinion.
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CONCLUSION

For the foregoing reasons, the California JCCP Plaintiffs request the Court grant their motion to extend the filing cutoff date to 60 days after the California Supreme Court grants or denies the California JCCP Plaintiffs' petition to review the California Court of Appeals opinion upholding Judge Schulman's FNC order.

Respectfully Submitted,

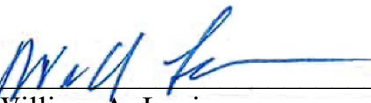
Dated: July 17, 2024

ESTEY & BOMBERGER, LLP

By: 
Stephen J. Estey
Angela J. Nehmens

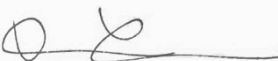
Dated: July 17, 2024

LEVIN SIMES LLP

By: 
William A. Levin
Laurel L. Simes

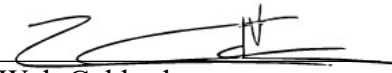
Dated: July 17, 2024

CUTTER LAW PC

By: 
Brooks Cutter
Celine Cutter

Dated: July 17, 2024

WILLIAMS HART & BOUNDAS, LLP

By: 
Walt Cubberly
Margret Lecocke

Co-Lead Counsel for JCCP Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2024, I electronically filed the above document with the Clerk of Court using the CM/ECF system which automatically sends notification of the filing to all counsel of record. In addition, the foregoing was served on Defendants' counsel via email at MDL3084-service-Uber@paulweiss.com.

By: /s/ Walt Cubberly